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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,661	08/30/2001	Marc Robidas	SYCS-009	1127
959	7590	09/30/2004	EXAMINER PHAN, HANH	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			ART UNIT 2633	PAPER NUMBER

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/943,661	ROBIDAS ET AL.	
	Examiner	Art Unit	
	Hanh Phan	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because **the blank boxes in Figure 1 should be labeled. For example, the blank boxes 16, 18, 26, 28, 30, 20 and 17 of Fig. 1 should be labeled.** Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2633

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The subject matter “**the step of recording a number of said failures over a period of time to determine performance metrics of said switched communication network**” in claims 2 and 22 were not described in the specification and in the drawing figures 2-4.

How recording a number of the failures over a period of time to determine performance metrics of the switched communication network.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-21 and 23-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al (Pub. No.: US 2002/0191247 A1).

Regarding claims 1, 13 and 21, referring to Figure 5, Lu discloses in a switched communication network having an optical layer for photonic transport of data, a method for handling a failure of an established circuit to avoid end-to-end tear down and re-establishment of said established circuit, said method comprising the steps of:

detecting said failure of said established circuit between a first optical node and a second optical node of said established circuit (As indicated in Fig. 5, page 6, paragraphs [0080], [0083] and [0084]), a first optical node (chooser node) and a second optical node (sender node), the sender node detects the failure of the established circuit between the chooser node and sender node, see Fig. 5);

reporting said failure of said established circuit to a control optical node in said optical layer by one of said first optical node and said second optical node (As indicated in Fig. 5, page 6, paragraphs [0080], [0083] and [0084], reporting the failure of the established circuit to a control optical node (i.e., chooser node) in the optical layer by one of the first optical node and the second optical node, see Fig. 5); and

with said control optical node (i.e., chooser node, Fig. 5) initiating restoration of said established circuit between said first optical node and said second optical node of said established circuit (see paragraphs [0073]-[0076]).

Regarding claims 3 and 23, Lu further discloses the failure concerns a communication link coupled to the first optical node and to the second optical node (see Fig. 5, paragraphs [0076] and [0079]).

Regarding claims 4 and 24, Lu further discloses the communication link comprises a trunk (Fig. 5).

Regarding claims 5 and 25, Lu further discloses communication link comprises a channel of the trunk (see Fig. 5, paragraphs [0076] and [0079]).

Regarding claims 6 and 26, Lu further discloses the step of regenerating the established circuit from a source optical node of the established circuit where the restoration of the established circuit between the first optical node and the second optical node fail to restore the established circuit (paragraphs [0073]-[0076]).

Regarding claims 7, 14 and 27, Lu further discloses the step of routing traffic between the first optical node and the second optical node through a restored trunk (Fig. 5).

Regarding claims 8 and 28, Lu further discloses the step of generating a revised path trace to indicate the restoration of said established circuit (see paragraphs [0072]-[0074]).

Regarding claims 9, 16 and 29, Lu further discloses first optical node is said control optical node (Fig. 5).

Regarding claims 10 and 30, Lu further discloses second optical node is said control optical node (Fig. 5).

Regarding claims 11, 20 and 31, Lu further discloses the established circuit comprises a label switched path (LSP)(see paragraphs [0072]-[0074]).

Regarding claims 12 and 17, Lu further discloses the optical nodes comprise optical cross connect switches (see paragraphs [0072]-[0074]).

Regarding claim 15, Lu further discloses a network topology database to track network topology and said method further comprising the step of, revising a network topology database to indicate the selection of said alternative trunk (see paragraphs [0073]-[0075]).

Regarding claims 18 and 19, Lu further discloses the alternative trunk has a bandwidth capacity equivalent to said failed trunk (see paragraph [0076]).

6. Claims 1, 3-10, 12-17 and 21-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Agrawal et al (US Patent No. 6,763,190).

Regarding claims 1, 13 and 21, referring to Figure 1, Agrawal discloses in a switched communication network having an optical layer for photonic transport of data, a method for handling a failure of an established circuit to avoid end-to-end tear down and re-establishment of said established circuit, said method comprising the steps of:

detecting said failure of said established circuit between a first optical node and a second optical node of said established circuit (As indicated in Fig. 1, col. 6, lines 5-60, detecting the failure (node D) of the established circuit between a first optical node (node A) and a second optical node (node D) of the established circuit a first optical node (node A) and a second optical node (node D));

reporting said failure of said established circuit to a control optical node in said optical layer by one of said first optical node and said second optical node (As indicated in Fig. 5, col. 6, lines 5-60, node D reports the failure of the established circuit to a

control optical node (node A) in the optical layer by one of the first optical node and the second optical node); and

with said control optical node (node A, Fig. 1) initiating restoration of said established circuit between said first optical node and said second optical node of said established circuit (col. 3, lines 15-67 and col. 4, lines 1-35).

Regarding claims 3 and 23, Agrawal further discloses the failure concerns a communication link coupled to the first optical node (node A) and to the second optical node (node D)(Fig. 1).

Regarding claims 4 and 24, Agrawal further discloses the communication link comprises a trunk (Fig. 1).

Regarding claims 5 and 25, Agrawal further discloses communication link comprises a channel of the trunk (col. 3, lines 30-50).

Regarding claims 6 and 26, Agrawal further discloses the step of regenerating the established circuit from a source optical node (node A) of the established circuit where the restoration of the established circuit between the first optical node and the second optical node fail to restore the established circuit (Fig. 1).

Regarding claims 7, 14 and 27, Agrawal further discloses the step of routing traffic between the first optical node (node A) and the second optical node (node B) through a restored trunk (Fig. 1, col. 3, lines 15-67 and col. 4, lines 1-35).

Regarding claims 8 and 28, Agrawal further discloses the step of generating a revised path trace to indicate the restoration of said established circuit (Fig. 1).

Regarding claims 9, 16 and 29, Agrawal further discloses first optical node is said control optical node (Fig. 1).

Regarding claims 10 and 30, Agrawal further discloses second optical node is said control optical node (Fig. 1).

Regarding claims 12 and 17, Agrawal further discloses the optical nodes comprise optical cross connect switches (Fig. 1).

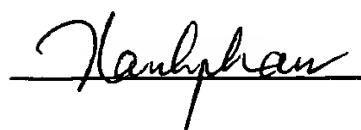
Regarding claim 15, Agrawal further discloses a network topology database to track network topology and said method further comprising the step of, revising a network topology database to indicate the selection of said alternative trunk (Fig. 1).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



Hanh Phan

09/22/2004